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12	GENERAL MEDIA SYSTEMS, LI
13	MIKE MILLER
	UNITED STAT
14	CENTRAL DIS
15	WEST
16	MACKENZIE ANNE THOMA,
17	a.k.a. KENZIE ANNE, an
.	individual and on behalf of all
10	
	others similarly situated,
	Plaintiff,
19	Plaintiff, v.
19 20	Plaintiff, v. VXN GROUP LLC, a Delaware
19 20 21	Plaintiff, v.
19 20 21 22	Plaintiff, v.  VXN GROUP LLC, a Delaware limited liability company; STRIKE 3 HOLDINGS, LLC, a Delaware limited liability company;
18 19 20 21 22 23	Plaintiff, v.  VXN GROUP LLC, a Delaware limited liability company; STRIKE 3 HOLDINGS, LLC, a Delaware limited liability company; GENERAL MEDIA SYSTEMS,
19 20 21 22	Plaintiff, v.  VXN GROUP LLC, a Delaware limited liability company; STRIKE 3 HOLDINGS, LLC, a Delaware limited liability company; GENERAL MEDIA SYSTEMS, LLC, a Delaware limited liability
19 20 21 22 23	Plaintiff, v.  VXN GROUP LLC, a Delaware limited liability company; STRIKE 3 HOLDINGS, LLC, a Delaware limited liability company; GENERAL MEDIA SYSTEMS,
19 20 21 22 23 24 25	Plaintiff, v.  VXN GROUP LLC, a Delaware limited liability company; STRIKE 3 HOLDINGS, LLC, a Delaware limited liability company; GENERAL MEDIA SYSTEMS, LLC, a Delaware limited liability company; MIKE MILLER, an
19 20 21 22 23 24 25 26	Plaintiff, v.  VXN GROUP LLC, a Delaware limited liability company; STRIKE 3 HOLDINGS, LLC, a Delaware limited liability company; GENERAL MEDIA SYSTEMS, LLC, a Delaware limited liability company; MIKE MILLER, an individual; and DOES 1 to 100,
19 20 21 22 23 24	Plaintiff, v.  VXN GROUP LLC, a Delaware limited liability company; STRIKE 3 HOLDINGS, LLC, a Delaware limited liability company; GENERAL MEDIA SYSTEMS, LLC, a Delaware limited liability company; MIKE MILLER, an individual; and DOES 1 to 100, inclusive,

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E 3 HOLDINGS, LLC;

MS, LLC; and

D STATES DISTRICT OF CALL

## INITED STATES DISTRICT COURT ENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION

DECLARATION OF BRAD S. KANE IN SUPPORT OF DEFENDANTS' MOTION TO BIFURCATE DISCOVERY

Case No. 2:23–cv–04901 WLH (AGRx)

Date: May 17, 2024 Time: 1:30 pm or later

Courtroom: 9B

[Filed concurrently with Defendants' Notice of Motion and Motion to Bifurcate Discovery; [Proposed] Order]

Complaint Filed: April 20, 2023 Removed: June 21, 2023

DECLARATION OF BRAD S. KANE IN SUPPORT OF DEFENDANTS' MOTION TO BIFURCATE DISCOVERY

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- I, Brad S. Kane, hereby declare as follows:
- I am an attorney licensed to practice law in the State of California since 1990, the State of Alaska since 1991 and Washington State since 2003. I am the owner of the Kane Law Firm ("KLF"), and counsel for Defendants VXN Group LLC ("VXN"), Strike 3 Holdings, LLC ("Strike 3"), General Media Systems, LLC ("General Media"), and Mike Miller ("Miller") (collectively, "Defendants"). I am personally familiar with, and, if called upon, could and would testify to the facts contained herein from my personal knowledge.
- 2. My senior associate Eric Clopper ("Clopper") emailed Plaintiff's counsel Sarah Cohen ("Cohen") and Rafael Yedoyan ("Yedoyan") on March 20, 2024, in an attempt to timely meet and confer regarding this motion. Cohen responded to Clopper's March 20, 2024 email on April 1, 2024, accepting the invitation to meet and confer. Due to scheduling conflicts and a sick day, the earliest the parties were able to meet and confer regarding this motion was April 3, 2024. During this meet and confer, the parties did not agree to bifurcate discovery, and Plaintiff's counsel was unwilling to estimate how long Phase I discovery should take if the Court were to grant Defendants' Motion to Bifurcate. Finally, to avoid any prejudice to Plaintiff, Defendants have offered to stipulate to Plaintiff having up to year for Phase II discovery and their proposed MMC after completion of Phase I and the early dispositive motions. Plaintiff rejected that offer.
- On July 11, 2023, Plaintiff filed a state action related to this federal 3. action alleging that Defendants violated identical Labor Code provisions under the California Private Attorney General Act ("PAGA"). To conserve judicial resources, Defendants requested Plaintiff consolidate her identical claims in one case or stay the state court actions pending resolution of the Federal Class Action to: (i) conserve the Court and the parties' scarce resources; and (ii) prevent conflicting and inconsistent rulings. Plaintiff refused to do so.

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- 4. In the PAGA action, on October 9 and 10, 2023, Plaintiff's initial discovery directed only towards VXN sought no less than 86 Requests for Admissions, 110 Requests of Production of Documents, and 159 Special Interrogatories, in addition to form interrogatories.
- Attached as **Exhibit 1** is a true and correct copy of an excerpt of the transcript prepared by Court Reporter Marea Woolrich of this Court's January 5, 2024 hearing on Defendants' Motion to Dismiss Plaintiff's First Amended Complaint and Anti-SLAPP motion.
- 6. On December 14, 2023, Judge Carolyn Kuhl of Los Angeles County Superior Court (i) related Plaintiff's PAGA and unfair competition actions; and (ii) stayed the related state court actions based on considerations of comity between state and federal courts, indicating that this Court's factual determinations may have preclusive effect on Plaintiff's PAGA and unfair competition claims. Attached as **Exhibit 2** is a true and correct copy of Judge Kuhl's order.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 5, 2024 at Los Angeles, California.

/s/ Brad S. Kane

Brad S. Kane